

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

UNITED STATES OF AMERICA,)	Nos. 01-CR-50004 & 06-CR-50067
)	
Plaintiff-Appellee,)	
)	
vs.)	
)	
JONATHAN GEAR,)	
)	
Defendant- Appellant)	

FILED
JUN 05 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNOPPOSED MOTION TO SUPPLEMENT THE RECORD ON APPEAL

Counsel for Defendant-Appellant, JONATHAN GEAR, moves to supplement the record on appeal and states as follows:

1. The Defendant-Appellant, Jonathan Gear, has appealed the final judgment of conviction and sentence imposed against him by this court on December 13, 2007.
2. Federal Rule of Appellate Procedure 10(a) states that the record on appeal is to contain, "the original papers and exhibits filed in the district court."
3. One of the potential issues that counsel will raise in his brief before the Seventh Circuit is whether Mr. Gear's sentence is reasonable in light of his substantial assistance to the government.
4. At Mr. Gear's sentencing hearing, Mr. Gear introduced a packet of letters and certificates. The letters indicated, *inter alia*, that, because of Mr. Gear's substantial assistance, his family had suffered threats and violence. This information is relevant under U.S.S.G. § 5K1.1, and, therefore, it is relevant with respect to the reasonableness of Mr. Gear's sentence. However, these letters were not retained by the court or made part of the record on appeal.


5. Undersigned counsel was able to obtain a copy of these letters from Mr. Gear's trial counsel. A copy of the letters is attached to this motion.
6. Counsel wishes to supplement the record on appeal so that these letters will be available for review by the Court of Appeals.
7. Counsel talked to Assistant United States Attorney Mark T. Karner on the telephone, and Mr. Karner stated that the government does not oppose this motion.

Therefore, counsel for Defendant-Appellant Jonathan Gear respectfully requests that this court issue an order directing the clerk to supplement the record on appeal with the attached letters, which were introduced at Mr. Gear's sentencing hearing.

Dated: June 2, 2008

JONATHAN GEAR,
Defendant-Appellant

RICHARD H. PARSONS
Chief Federal Public Defender

BY: 
DANIEL T. COOK
Staff Attorney
Office of the Federal Public Defender
600 East Adams St., 2nd Floor
Springfield, Illinois 62701
Phone: (217) 492-5070
COUNSEL FOR DEFENDANT

To whom it may concern,

Since John Gear has been in Jail, my house has been broken into. I fear for my life and the safety of my son's. I know in the past we have had hard times. we both have grown up and became responsible Parents. John Gear is a very good father. I want nothing more but for him to come home and be a responsible, good Parent, and I know he will if he gets a chance. Since all this has happened my son was put in therapy. He really need his father. This has taken a toll on my son and I. I hope you give him the opportunity to come home to his son and be the best father he can be. I really feel that he could come home and be the best father and fiance he can be.

Sincerely,
megan Scott

Mr. Judge Reinhardt

my name is Harrie Young
and my son is John Bear.
There are a few things
that I would like to
say about my son John Bear

First he is a father to
Ethan Bear his son. and
he is a great father
and loves his son. John
grew up without a father
and John don't want his
son to either. John works
with Ethan and teaches
him things about life
and how to be good

to others. He shows him
how to do things read,
write, laugh, play etc.
just like a father does.
He has told his son
he got in trouble & why!
That's the hardest thing
I never saw him do.

But he don't want anyone
to tell him. But him.

And my son is
wrong but John is smart
and is has a loving caring
heart! Would give his life

he had too for me or
Ethan or his girlfriend

Yes John gave information
and I know I see that
he got 4 more points and
who care's!

Because first my home
was ~~broken~~ broken in to,
twice and after that
there's been people
watching me. And
phone calls. But they seem
to put \$67 before there
call. Yes John wanted
to give that information to
come home and get the
right deal. But now
my life his life Ethan
his girlfriends are at
stake here. John goes he
may not like to tell the
story. OR we could die!
and his girlfriend's
house was broken into
and people watch her
and Ethan. We get to the
bus stop so know one will
get Ethan. This how care
lives are. And the
other people get us! After
my son gave what the
law enforcement wanted
But no one care's after

They got there information!!

I know he has done wrong
but John knew something
would happen but not like
this. HE thought that if
in his heart he came
clean and trying to start
over and be a good loving
caring person. and as
a loving father to Ethan
which he could come and
start new wife and not
go back to that I know my
son has changed. But
cause he waited of
never in a million years
put us in a dangerous
John is not like that
to hurt his family help
and come home and start right.
And I would really
like to know if John
could go to Oxford MS.
Because I am scared to
go far and don't have
a lot of money to travel
But I got to take Ethan
and Megan with me to
see him. I know sooner
or later these people will
hurt us. Because if they
have broke in my house & Megan

if they really find
out and you know they
will because they watch
my house I found is a
good person and I love
him. Please Don't let
anyone take the only
person I have left.

Thank you, Judges
Rickard for Reading
my letters

* I just would like
to know why if you
help the system then
the system don't help
back. There is something
wrong there. Then the
families are the only
ones that get hurt and
the system got what they
wanted and forget about
that person. Life goes
on for them!

Thank you
Hejun

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

UNITED STATES OF AMERICA,)	Nos. 01-CR-50004 & 06-CR-50067
)	
Plaintiff-Appellee,)	
)	
vs.)	
)	
JONATHAN GEAR,)	
)	
Defendant- Appellant)	

FILED

JUN 05 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

NOTICE OF FILING AND PROOF OF SERVICE


TO: Ms. Julia Mitchell, Deputy in Charge, Clerk's Office, United States Courthouse, 211 South
211 South Court Street, Rockford, Illinois 61101

Mr. John G. McKenzie, Office of the U.S. Attorney, 308 W. State Street, Rockford, IL 61101

Mr. Jonathan Gear, Reg. No. 1277-424, USP Terre Haute, P.O. Box 33, Terre Haute, IN
47808

PLEASE TAKE NOTICE that on June 2, 2008, the undersigned attorney filed the original and one copy of Defendant-Appellant's Motion to Supplement the Record on Appeal with the Clerk of the United States District Court for the Northern District of Illinois and served a copy thereof upon all counsel of record by enclosing said instruments in envelopes addressed as indicated above with postage prepaid, and by depositing said envelopes with the United States Postal Service in Springfield, Illinois, on June 2, 2008.

RICHARD H. PARSONS,
Chief Federal Public Defender

BY: 
DANIEL T. COOK
Staff Attorney
Office of the Federal Public Defender
600 East Adams St., 2nd Floor
Springfield, Illinois 62701
Phone: (217) 492-5070
COUNSEL FOR DEFENDANT